

February 28, 2008

Paul C. Besozzi  
202-457-5292  
[pbsozzi@pattonboggs.com](mailto:pbsozzi@pattonboggs.com)

**ELECTRONIC FILING**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

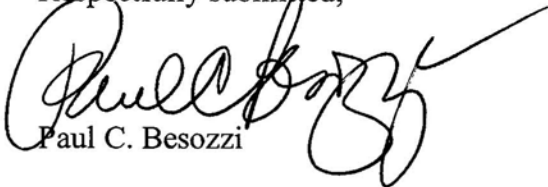
Re: EB Docket No. 06-36 – Royal Street Communications, LLC and Subsidiaries

Dear Ms. Dortch:

In accordance with FCC Public Notice, DA 08-171, released January 28, 2008, enclosed is the compliance filing on behalf of Royal Street Communications, LLC and all its operating and license holding subsidiaries.

If there are any questions on this matter please contact the undersigned per the contact information above or Carly Didden at 202-457-6323 or [cdidden@pattonboggs.com](mailto:cdidden@pattonboggs.com).

Respectfully submitted,



Paul C. Besozzi

Enclosure

cc. Robert A. Gerard

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2007

Date filed: February 28, 2008

Name of company covered by this certification: Royal Street Communications, LLC and all operating and license subsidiaries (collectively, the "Company")

Form 499 Filer ID: 825871

Name of signatory: Robert A. Gerard

Title of signatory: Chief Executive Officer

I, Robert A. Gerard, certify that I am an officer of the Company named above, and acting as an agent of the Company, that I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the Company's procedures ensure that the Company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The Company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI. If affirmative: not applicable.

The Company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information). If affirmative: not applicable.

/s/ Robert A. Gerard

Robert A. Gerard  
Chief Executive Officer  
Royal Street Communications, LLC

### Attachment 1

Royal Street BTA 159, LLC, Royal Street BTA 212, LLC, Royal Street BTA 239, LLC, Royal Street BTA 262, LLC, Royal Street BTA 289, LLC, and Royal Street BTA 336, LLC (collectively, "Licensees" and individually "Licensee") are each licensed to provide Commercial Mobile Radio Service ("CMRS") and each Licensee does not plan to offer telecommunications services to customers in categories other than CMRS. Licensees' ultimate parent company, Royal Street Communications, LLC ("Royal"), received the relevant FCC licenses in December of 2005.<sup>1</sup> Licensees received the licenses from Royal through a series of *pro forma* assignment of license transactions in January of 2007. The relevant Licensees as of the date of the foregoing Certificate has commenced commercial operation of its licensed CMRS systems in Lakeland-Winter Haven, Florida (BTA No. 239, Call Sign WQEB556), Orlando, Florida (BTA No. 336, Call Sign WQEB559), Melbourne, Florida (BTA No. 289, Call Sign WQEB558), and Los Angeles, California (BTA No. 262, Call Sign WQEB557).

In accordance with agreements approved by the FCC in conjunction with the grant of Royal's Licenses and the series of *pro forma* assignment of licenses to Licensees, as of the date of the foregoing Certificate, the Licensee of each of the four (4) operating Royal systems is providing wholesale wireless services to MetroPCS Wireless, Inc. ("MetroPCS"). Licensee is compensated for such services on a per-minute-of-use basis, as provided in the FCC-approved Amended and Restated Services Agreement, executed on December 15, 2005 as of November

---

<sup>1</sup> The Royal controlled licenses are Call Signs WQEB554 (BTA No.159-C5-Gainesville, Florida – Royal Street BTA 159, LLC), WQEB555 (BTA No. 212-C4-Jacksonville, Florida – Royal Street BTA 212, LLC), WQEB556 (BTA No. 239-C4-Lakeland-Winter Haven, Florida – Royal Street BTA 239, LLC), WQEB557 (BTA No. 262-C5-Los Angeles, California – Royal Street BTA 262, LLC), WQEB558 (BTA No. 289-C4-Melbourne-Titusville, Florida- Royal Street BTA 289, LLC) and WQEB559 (BTA No. 336-C4-Orlando, Florida – Royal Street BTA 336, LLC) (collectively, the "Licenses").

24, 2004, between Royal and MetroPCS ("Services Agreement"). MetroPCS in turn uses the wholesale services that it obtains from Licensee to provide retail wireless services to end user customers. Notably, MetroPCS is an FCC-licensed CMRS carrier that is itself subject to the rules relating to Customer Proprietary Network Information currently contained in Part 64, Subpart U, Title 47 of the Code of Federal Regulations (the "FCC CPNI Rules"), including the compliance certification requirement set forth in 47 C.F.R. §64.2009(e). Moreover, under the terms of the Services Agreement, both parties are expressly obliged to comply with the terms of the Communications Act of 1934, as amended, and the regulations promulgated by the FCC thereunder, which would include the FCC CPNI Rules. Further, the relevant interconnection agreements for exchanging traffic with the networks of local exchange carriers include general compliance-with-law provisions and/or confidentiality requirements relating to CPNI.

Licensees have no retail wireless end user customers who generate information that would meet the definition of CPNI contained in the FCC CPNI Rules. To the extent that any Licensee has access to information regarding MetroPCS customers that might constitute CPNI, that Licensee does not use CPNI for any marketing purposes. Nor does any Licensee share CPNI with any of its affiliates or with third parties for any marketing purposes. Because each Licensee has no retail wireless end user customers such Licensees do not maintain either an "opt-in" or "opt-out" system with respect to CPNI. Licensees have taken no action against any data brokers during the last year and have no customer complaints concerning the unauthorized release of CPNI to report.

Licensees' Chief Executive Officer, Robert A. Gerard, understands that the FCC CPNI Rules govern Licensee's use and control of any CPNI. Mr. Gerard is the certifying officer of the Licensees for CPNI purposes. Mr. Gerard also is the individual in the organization responsible

for establishing procedures to maintain the security of the CPNI of Licensees' customers. Royal has (a) distributed to its officers and employees copies of the attached questions and answers regarding the FCC's rules relating to the handling of CPNI, (b) required each officer and employee to certify that he or she has reviewed these requirements and (c) appointed its Vice President – Network Development as the immediate contact point for all questions relating to the handling of CPNI. Employees who fail to adhere to the requirements relating to the use of CPNI are subject to potential disciplinary actions as determined by the Chief Executive Officer of the Licensees.

## **Use Of Customer Proprietary Network Information**

The Federal Communications Commission ("FCC") continues to review its rules on the collection, use and safeguarding of customer proprietary network information ("CPNI") by telecommunications carriers. The FCC rules implement a Federal law that imposes a general duty on such carriers to protect the confidentiality of CPNI.

But what is CPNI and how do the regulatory requirements potentially affect Royal Street's' operations and activities? The following Q and A's are *not a substitute* for consulting the underlying statute and FCC implementing rules and precedent themselves (collectively "CPNI Rules"). Copies of those materials are available from the Vice President – Network Development. Rather, this brief summary is intended to provide an overview of key questions surrounding the CPNI requirements.

**1. What Constitutes CPNI?** - CPNI is detailed data about a particular customer's calling activities (i.e., the type of information reflected on a customer's phone bill). As the FCC has said "[p]ractically speaking, CPNI includes information such as the phone numbers called by a consumer; the frequency, duration, and timing of such calls; and any services purchased by the consumer, such as call waiting."

**2. Do The CPNI Rules Necessarily Apply To Licensee's Wholesale Wireless Services?** - The CPNI Rules generally were framed with providers of residential and business telephone services principally in mind (e.g., Bell Operating Companies and interexchange carriers) and their use, dissemination and safeguarding of this customer-related information. However, the Rules are broadly worded and impose a duty on "[e]very telecommunications carrier,...including telecommunications carriers reselling telecommunication services" provided by other carriers.

There is no blanket exemption for wholesale service providers. Licensees are telecommunications carriers ("carrier") in the FCC's eyes.

**3. Who Are The Customers In Licensee's Case?** Again, the CPNI Rules envision consumers who subscribe to a carrier's services (e.g., local phone service, long distance or wireless subscriber). However, a "customer" includes any "person or entity to which the...carrier is currently providing service." In Royal's case, its wholesale customers are likely customers within the CPNI Rules. Detailed calling data gathered by Royal's wireless networks or accessible to Royal Street employees relating to Royal's wholesale customers and the customers of those wholesale customers should be treated as CPNI for purposes of the CPNI Rules.

**4. How Do The CPNI Rules Affect The Use Of CPNI?** The CPNI Rules permit use and dissemination of CPNI without customer approval in some cases; in others, customer approval of some form is required. The fundamental focus is on the use of the data for marketing services by the carrier or its affiliates or joint venturers. For example, the gathering carrier can use a particular customer's CPNI information, without customer approval, to market to that customer service offerings "among the categories of service ... to which the customer already subscribes from the same carrier." However, with certain fairly narrow exceptions, the carrier may not, without customer approval, use the information to market a different category of service which the carrier offers, but to which the customer does not subscribe. So Licensee could not use the data to market a new or unrelated-service to any of its customers without customer approval. The CPNI rules prescribe how approval can or must be obtained. **NOTE:** The question of permitted uses and methods of obtaining any required consent requires close consultation with the CPNI Rules based on the *particular facts* associated with any proposed use or dissemination of CPNI.

**5. What About Disclosure Of CPNI To Third Parties (e.g., facility administrators)?**

Generally, the CPNI Rules require affirmative consent before disclosing such information to third parties or affiliates of the carrier that do not provide communications-related services. The CPNI Rules provide that CPNI may be disclosed “to protect the rights or property of the carrier, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.” The CPNI Rules also permit disclosure “to initiate, render, bill and collect” for the telecommunications service.

**6. Are There Training Requirements And Other Requirements Necessary To Demonstrate Compliance With The CPNI Rules?**

The CPNI Rules require that carriers have in place a system for ensuring compliance with the Rules. This includes training personnel as to when they are and are not authorized to use CPNI and maintaining a record of their own, and affiliates, sales and marketing campaigns that use their CPNI and where CPNI was disclosed. Each carrier must annually certify that it has procedures in place to ensure compliance with the CPNI Rules. In light of the fact that Licensees have no retail customers and do not routinely receive or access detailed calling information relating to the customers of its wholesale customers and does not market services to those customers, formal training in the details of the CPNI Rules will only be conducted on an as necessary basis.

**7. Why Is It Important To Ensure Compliance With The CPNI Rules?**

The FCC may impose forfeitures for failure to comply. This is an enforcement area that has been the subject of greater FCC attention of late. In recent years, the FCC proposed and imposed substantial forfeitures against carriers for failure to comply with the CPNI Rules. Furthermore, the failure of an officer, manager, or employee of Royal to comply with the terms of the CPNI Rules could make the offending party subject to disciplinary action as determined by the Chief Executive



Officer of Royal or, in the case of the Chief Executive Officer, the Management Committee of Royal.

**8. Who Should I Ask If I Have Questions?** – Questions regarding the requirements of or compliance with the CPNI Rules should be directed to John R. Lister, Vice President – Network Development at [johnlister2005@yahoo.com](mailto:johnlister2005@yahoo.com).